

**Public Comments
related to
TSR Prerecorded Call Prohibition and Call Abandonment Standard Modification,
Project No. R411001**

Submitted by Interactions Corporation

Interactions Corporation, a Delaware corporation with a principal place of business in Carmel, Indiana, is the creator of a proprietary call handling platform developed to improve telephone customer service capabilities and business-consumer interactions generally. The Interactions' call handling platform has both inbound and outbound calling applications. Although Interactions Corporation is not a telemarketing company, the Interactions call handling platform has potential useful applications in the area of outbound calling, including telemarketing.

Current State of "Prerecorded Message" Telemarketing

Interactions Corporation applauds the Commission's work to stop the abusive practices of some telemarketing companies, particularly through the use of "audio blasts" or similar forms of "prerecorded message" telemarketing. As supported by the factual record compiled by the Commission, "prerecorded message" telemarketing, as it currently exists, consists largely of one-way audio broadcasts designed to *convey* information to consumers. Such messages are nothing other than outbound streaming audio files which convert the telephone (traditionally an instrument of two-way communication) into a radio (an instrument for listening). These campaigns are widely regarded as a nuisance and a burden to consumers because consumers are powerless to interact with them. Even interactive voice response (IVR) systems rely on either touch-tone input (which severely limits the consumer's ability to communicate or direct the interaction) or frustratingly ill-equipped voice recognition technologies (which require the consumer to talk using sound bites and keywords that can be recognized by the IVR and in the order and in the fashion dictated by the IVR). Because these forms of "prerecorded messages" have no ability to listen to, understand or truly interact with consumers in a natural and conversational fashion, they are correctly distinguished from live-agent calls and generally considered more intrusive and more of an invasion of privacy.

Scope of Term "Prerecorded Message"

The Commission's Proposed Rule would limit the use of "prerecorded message" telemarketing but it does not define the types of calls that would be considered "prerecorded messages." The lack of such clarification is not surprising given that, with the existing, ill-equipped technologies described in the Commission's factual record, the term "prerecorded message" appears self-defining. These are calls whose flow and specific message is pre-ordained and whose purpose is to *convey* information – not to interact with and *understand* a consumer. Such one-way recordings are the source of the noted "consumer aversion to prerecorded calls." However, as new technologies and innovative processes are created for the purpose of making telephone interactions *more efficient*, *more interactive* and *more natural*, the precise meaning and scope of the term "prerecorded message" may become less clear.

Request for Rule Clarification: Call Functionality

Interactions Corporation, as a leading developer and innovator in the field of consumer-business communications, acknowledges the flaws of currently used "prerecorded message" programs (including IVRs) and indeed has invested significant time and resources creating alternative, far superior ways for businesses to interact with consumers. For purposes of this Comment, Interactions Corporation respectfully suggests that the Final Rule should address the problems

cited in the record without preventing the development and use of innovative solutions to those problems.

A specific problem with the Proposed Rule is that it can be read literally to apply to new technologies and innovations which may include some prerecorded elements or aids intended to *improve* the quality of business-consumer interactions but which do not cause any of the problems the Proposed Rule rightly seeks to address. In our view, the Final Rule should not distinguish calls based upon the label or characterization “prerecorded message”, but rather should restrict the types of calls that, as a factual and functional matter, leave consumers powerless to interact as they would in a typical telephone conversation. In short, the Final Rule should restrict calls and methods of making calls that deprive the consumer of the ability to truly interact with the organization making the call, including by asking questions in plain English, re-directing the flow of the call or the topics discussed, or taking quick, efficient and easy action to exercise company-specific (or national) do-not-call rights. Most fundamentally, a call can only be considered truly interactive if every *intent* of the consumer – as naturally spoken by the consumer in the consumer’s own words – is captured, understood in context and elicits an appropriate response from the organization making the call.

Interactions Corporation respectfully requests that the Commission encourage, and not squelch, future innovations in the area of consumer-business interaction, especially where the very purpose of such innovations is to bridge the divide between business and consumer interests by developing systems and processes that protect the vital interests of both constituencies.

We are grateful for the opportunity to contribute our views to the discourse in this very important area.

Respectfully submitted,

Interactions Corporation